



Reporting Questions in the Sicilian Parliament

(D. Savalli – F. G. Verruso)

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THE ROLE OF REPORTING WHILE CARRYING OUT INSPECTION ACTIVITIES

Besides the typical function of
Parliaments, i.e. the legislative one, one
cannot ignore another typical and
important function:

controlling the work of the Executive

with the aim to monitor the Government's
actions, especially in the administrative
field, and to check them for correctness
and regularity

SATISFACTION...OR NOT!

Discussion on such actions doesn't end up with a vote, but with a response (of satisfaction or dissatisfaction) by the questioner as to the reply given by the Government.

QUERY vs QUESTION

A query ('interrogazione'): a simple query (anticipated by a preamble) put in a written form to the President of the Region or to regional Council member (according to the relevant competence), in order to receive information or explanations on deeds or conducts of the Government as to given fields, or to know what the Government intends to do in a given case.

A question ('interpellanza'): a question put to the Government about the reasons or the intentions of their conduct.

STATISTICS

	XV Leg.	XVI Leg.
– Local bodies	243	416
– Production activities	155	280
– Cultural heritage	95	258
– Economy	257	683
– Energy	134	319
– Work	170	457
– Infrastructure	225	501
– Education	181	378
– Agriculture	160	190
– Healthcare	439	756
– Environment	196	548
– Tourism	54	166
– President of the Region	2250	3199

DIFFERENT PUBLICITY FOR THE PROCEEDINGS IN THE HOUSE AND IN THE COMMISSION

For queries, two forms of response can be provided: written or oral. The latter can take place in two different venues, i.e. in the House or in the Commission.

Broadly speaking, the inspection activity oftentimes concerns issues affecting several individuals, who may have produced a written draft, most times wholly reported in the preamble of the inspection deed

PROBLEMS IN REPORTING/1

Sometimes this draft is not easy for the reporter, who has to check if the legal references are appropriate for the theses being supported or if the document is biased by logical inconsistencies.

In such cases, the Office has to contact the MP for necessary edits (and he autonomously proceeds whenever legal references are wrong, by omitting or editing them for that case).

PROBLEMS IN REPORTING/2

- **Once the inspection deed has been filed, it is screened for eligibility by the President of the Assembly, who checks it does not contain offensive terms, and above all asks for information relevant to the sphere of action of the Government**
 - **the deed is announced to the Assembly**
 - **an accurate drafting activity, to check its form (spelling and syntax errors, compliance with formulas, etc.) and substance (legal and/or jurisprudential references).**

PROBLEM SOLVING!

In the Parliament of the Region of Sicily, this form of control is first assigned to stenographers, who work in close collaboration and under the supervision of the officers assigned to the House Works Service.

STEP BY STEP

- 1. illustration: the questioning/querying MP takes the floor to describe the deed submitted, and has the possibility to enrich the written text with additional elements
- 2. response by the Government: the competent Council member (or the President of the Region himself) provides the response
- 3. reply by the questioning/querying MP: after listening to the reply, the MP declares himself satisfied or dissatisfied with it
- 4. Counter-reply by the Government

ABOUT REPORTING AGAIN...

We observe the importance of the reporting activity in order to have a complete picture of the fact denounced in the inspection deed, and at the same time, of the solutions that the Government is adopting to remedy it. Indeed, if in steps 1) and 2) reporting activity complements, and sometimes overlaps, an exchange of ready-made paper documents (question/query on the one hand, written response on the other), in the following steps 3) and 4) it is the only way for knowing what was said in the House.

PERSONAL DATA AND RIGHT TO OBLIVION

How is the stenographer who is drafting the deed in words to behave?

The issue above is extremely topical, since all the deeds by the inspection body are nowadays available on the Internet, and can be found, even accidentally, with any browser. Even more, these data will remain on the Web forever, we daresay.

A POSSIBLE SOLUTION

- If personal data are not essential for the exact cognition of the fact, they can be replaced with relevant initials;
- If, instead, personal data are essential, they must be kept only for the period of time strictly necessary for performing the inspection, i.e. until it has been performed. Once inspection is complete, or in case the term of office ends, those names should be replaced with initials in order not to incur in the violation of the right to oblivion.

Thanks!

If you want more, please write...

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Reporting Questions in the Sicilian Parliament

(Fabrizio Verruso – Dario Savalli)

THE ROLE OF REPORTING WHILE CARRYING OUT INSPECTION ACTIVITIES

How come stenography reports deal with unemployment or with the reorganization of the healthcare system to face the problem of greedy wild boars (sometimes dangerous for human beings) or of dormice who steal raw material used for hazelnut cream?

Besides the typical function of Parliaments, i.e. the legislative one, one cannot ignore another typical and important function, i.e. controlling the work of the Executive.

Over time, this controlling function has taken on increasing relevance, mirroring the enhanced role of the Government in Italy's and Sicily's parliamentary political system, and the Government has actually become the true engine of the legislative activity.

That's why Parliaments - including Sicily's - in order to overcome this 'identity crisis' and 'emptying of powers', have tried to recuperate their role by strengthening controlling functions.

Such a change in role is to be considered physiological, and consequential to the formal change in the form of regional government, perfectly matching the "checks and balances" approach that characterizes contemporary democratic systems.

The inspection body's role is to monitor the Government's actions, especially in the administrative field, and to check them for correctness and regularity. To this aim, MPs use questioning and inquiries, typical actions, in order to ask the Government for information and news, namely explanations and clarifications, about the reasons of their conduct in given fields.

Discussion on such actions doesn't end up with a vote, but with a response (of satisfaction or dissatisfaction) by the questioner as to the reply given by the Government. Nevertheless, there are also inquiries requiring a written response, which are carried out with no debate in the House (see below).

That is why today we are analyzing the typical instruments of the inspection body in particular. Oftentimes these instruments do not only consist in the "query of the MP + response of the questioned Government" simple mechanism, which actually also originates a mini debate in the House, and their

precise reporting plays the same (or even a more important) role as “papers and documents exchange” between the Parliament and the Government.

Let us now clarify what “query” and “question” mean, and how they take place.

The importance of the inspection body’s instruments is acknowledged by art. 7 of the “Statuto speciale siciliano”. This is a sort of Constitution of the Region of Sicily, and it reads: “MPs have the right to question, to query (and to submit motions) within the Assembly”.

In particular, according to the internal Regulation of Sicily’s Parliament, a distinction can be made between:

- ✓ A *query* (‘interrogazione’): a simple query (anticipated by a preamble) put in a written form to the President of the Region or to regional Council member (according to the relevant competence), in order to receive information or explanations on deeds or conducts of the Government as to given fields, or to know what the Government intends to do in a given case. Upon submission, the MP indicates whether he/she wants an oral response (if the topic is sectorial or specific in the Commission, or else in the House) or a written one;
- ✓ A *question* (‘interpellanza’): a question put to the Government about the reasons or the intentions of their conduct.

But, in practice, it is not easy to distinguish a query from a question, so MPs oftentimes end up mixing the two. The difference between the two inspection instruments can be summarized as follows: queries are to be used for a need for information about single facts, deeds or conducts pertaining to the administrative competence of the Government, while questions aim at asking the Government for clarifications about topics connected to their political direction, also in certain sectors, and on the grounds of the policies adopted.

Consequently, as questions are more ‘impactful’ than queries, the regulation provides for the questioner - when dissatisfied with the Government’s response, and if willing to open a debate on the field - to submit a motion. Questioning is a more significant action: when approved, the Government is given political recommendations and guidelines that are developed during the parliamentary debate.

Another category to be added is queries with a quick, impromptu response in the House (so-called “*question time*”), whereby the Government has 2 minutes to respond, and the questioner has one minute to reply.

For such a type of queries, which have nowadays become obsolete, reporting of parliamentary debate becomes even more important, since it represents the only means to record the question time mechanism, in the absence of any exchange of documents or papers between the questioning MP and the Government member questioned.

STATISTICS

Let’s take a look at numbers now. We decided to consider only queries of the two last legislatures, the current one (that ‘s finishing in October 2017 and the previous one, started in May 2008 till October 2012). As you can see in powerpoint slide, the most interrogated sector was and is healthcare, that obviously is largely considered by MPs and that costs about an half of the entire regional balance. Don’t be impressed about the data referred to the President of the Region, since he is always or largely involved in all the queries due to his role in general guide in the Executive power, even if, actually, the single query is also directed to the specific member of the Government . Please note the great increase of queries referred to economy between the two last legislatures, due to the enduring finance crisis. Nowadays, about the total number of queries, the increase is also produced by a new political party, Five Star Movement: just itself has presented about one thousand of queries. This is also justified since this movement is in strong opposition with the Government and, obviously, thanks to queries, it can control better the Executive power.

DIFFERENT PUBLICITY FOR THE PROCEEDINGS IN THE HOUSE AND IN THE COMMISSION

As already said, questions can only be put in the House (and the same holds for question time, that we’re not going to discuss here). For queries, two forms of response can be provided: written or oral. The latter can take place in two different venues, i.e. in the House or in the Commission.

Today we’re not going to analyze queries requiring a written response, which do not present any reporting problem, since there is no debate, and whose proceedings mostly consist in an exchange of written documents between the Parliament and the Government.

Nevertheless, one remark needs to be made here: such a type of inspection activity mostly concerns deeds that somehow have been, or allegedly are, directly prepared by MPs or by their close

coworkers, since they bear their signature. Yet, in practice, these same deeds come from third parties, even from those involved in the inspection procedure.

This is the case, for instance, of individuals who have been fired because a project has not been financed or who are victims of malpractice.

Broadly speaking, the inspection activity oftentimes concerns issues affecting several individuals, who may have produced a written draft, most times wholly reported in the preamble of the inspection deed (this is how it looks to reporters, as there is no technical language).

Sometimes this draft is not easy for the reporter, who has to check if the legal references are appropriate for the theses being supported or if the document is biased by logical inconsistencies.

In such cases, the Office has to contact the MP for necessary edits (and he autonomously proceeds whenever legal references are wrong, by omitting or editing them for that case).

The case of oral queries put in the House or in the Commission, and of questions, is different.

Once the inspection deed has been filed, it is screened for eligibility by the President of the Assembly, who checks it does not contain offensive terms, and above all asks for information relevant to the sphere of action of the Government. Next, the deed is announced to the Assembly, and undergoes, an accurate drafting activity (as for written queries), to check its form (spelling and syntax errors, compliance with formulas, etc.) and substance (legal and/or jurisprudential references).

In the Parliament of the Region of Sicily, this form of control is first assigned to stenographers, who work in close collaboration and under the supervision of the officers assigned to the House Works Service.

After implementing the edits required, the deed is forwarded to the Government for subsequent consideration. According to that, the oral response to be given by the competent Council Member, either in the House or in the Commission (the venue being chosen by the questioning MP), is prepared.

The House or the Commission debate consists of the following steps:

1. illustration: the questioning/querying MP takes the floor to describe the deed submitted, and has the possibility to enrich the written text with additional elements;
2. response by the Government: the competent Council member (or the President of the Region himself) provides the response, that has been prepared in a written form by the offices. Nevertheless, also in order to provide further clarifications on the issues raised, oftentimes the Council Member himself orally complements the response, and provides further details, data, and clarifications;

3. reply by the questioning/querying MP: after listening to the reply, the MP declares himself satisfied or dissatisfied with it. But in practice the judgement is never so clear-cut, as he can be satisfied with some elements of the reply, but dissatisfied with others. The judgement is almost always accompanied by other interventions with which the MP gives precise political recommendations and guidelines to the Government, thus exercising an actual role of political direction on the Executive.
4. Counter-reply by the Government: This step is not provided for in the Regulations, since the inspection body's deeds do not originate any parliamentary debate, and everything is finalized with the reply of the questioner. Yet, it has sometimes happened that, should the fact be of particular interest, the President of the Assembly, within his powers to conduct parliamentary works, has given back the floor to the Council Member to confute the reply of the questioner/queryer.

Furthermore, the internal Regulation confirms that the inspection body's deeds are mixed with elements of political direction: with reference to questions in particular, besides providing a more accurate definition (as seen above), such Regulation provides for the faculty of the dissatisfied MP to submit a motion on the topic on his own. (Please note that the motion is the highest and most binding form of expression of the will of the Assembly through deeds of political direction, insomuch as, as a rule, the signatures of at least 4 MPs are required for a motion to be submitted).

Again, we observe the importance of the reporting activity in order to have a complete picture of the fact denounced in the inspection deed, and at the same time, of the solutions that the Government is adopting to remedy it. Indeed, if in steps 1) and 2) reporting activity complements, and sometimes overlaps, an exchange of ready-made paper documents (question/query on the one hand, written response on the other), in the following steps 3) and 4) it is the only instrument for knowing what was said in the House.

That is why maximum attention is required from stenographers working throughout the steps listed above: it is not just a copy-paste activity of ready-made documents, but during the inspection activity sessions, it requires precise reporting of additional information, both as to the illustration by the MP, and as to the response by the Government (on facts occurred after the submission of the deed or provisions adopted meanwhile).

What said above concerning questions/queries taking place in the House, also holds for the queries with response in the Commission.

In this case, unlike the works in the House, the publicity instrument of the question-answer mechanism is not the stenographic report by the stenographer, but rather the summary report by the Commission. This is a synthetic but true instrument of publicity of the proceedings, written in an impartial form and in the third person by the officer of the Commission. In the case of very

complex/delicate sessions (e.g. those of the Commission on Mafia in Sicily), said officer can avail himself of a stenographer, in order to achieve an integral report or a ‘comprehensive’ summary report.

Last, it is important to mention that, given the more informal nature of the works of the Commission, it may sometimes happen that the question-response-reply mechanism ends up in a debate among all members of the Commission attending. This in turn may also result (except for the case considered above of a motion, should the MP be dissatisfied) in the submission of an appropriate resolution (i.e. a motion in the Commission, although of lesser importance), or even in the drafting of an ad-hoc bill or amendment.

A PARTICULAR CASE: THE INSPECTION BODY AND THE RIGHT TO PRIVACY

It happens that the questioning/querying MP, in order to better detail his request for information, in the preamble of the deed does precisely identify, giving their full name, people directly involved in the facts exposed, thus potentially endangering their privacy. How is the stenographer who is drafting the deed in words to behave?

The issue above is extremely topical, since all the deeds by the inspection body are nowadays available on the Internet, and can be found, even accidentally, with any browser. Even more, these data will remain on the Web forever, we daresay. That is why, among the rights connected to privacy, the right to oblivion is emerging more and more strongly. The right to oblivion is the right not to be exposed to the further damages that the repeated publication of a piece of news, years later, can cause to one’s honor and reputation, unless, for superseding events, the previous fact becomes topical again and new public interest on that information re-emerges.

Given that each parliamentary Administration should provide itself with an appropriate regulation, it is to be pointed out that the right to oblivion is not to be balanced with the right to report, but rather with the exercise of a prerogative guaranteed by the Constitution, i.e. the parliamentary inspection function.

Since no precise relevant legislation exists in the Parliament of Sicily, we might opt for the following solutions, also in the light of analyses performed on the basis of jurisprudence and of rulings of the Italian Data Protection Authority:

- ✓ If personal data are not essential for the exact cognition of the fact, they can be replaced with relevant initials;

- ✓ If, instead, personal data are essential, they must be kept only for the period of time strictly necessary for performing the inspection, i.e. until it has been performed. Once inspection is complete, or in case the term of office ends, those names should be replaced with initials in order not to incur in the violation of the right to oblivion.